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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,480	11/13/2003	William L. Ball	GP-303855-OST-ALS	8336
74829	7590	02/18/2010		
Julia Church Dierker Dierker & Associates, P.C. 3331 W. Big Beaver Road Suite 109 Troy, MI 48084-2813			EXAMINER PASS, NATALIE	
			ART UNIT 3686	PAPER NUMBER
			MAIL DATE 02/18/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/712,480

Applicant(s)

BALL, WILLIAM L.

Examiner

Natalie A. Pass

Art Unit

3686

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 7, 9-11, 13 and 16-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7, 9-11, 13 and 16-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notes of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the amendment filed 16 November 2009. Claims 1, 7, 11, 17 and 23 have been amended. Claims 4-6, 8, 12, 14-15 have been previously canceled. Grounds of rejection for claims 1-3, 7, 9-11, 13, 16-23 are set forth in detail below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 9, 11, 13, 17, 20, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rieser et al., (2001/0034223) in view of Tagawa et al. (5949152) for substantially the same reasons given in the previous Office Action (paper number 20090807), and further in view of Schofield et al. (2002/0003571). Further reasons appear hereinbelow.

(A) Claims 1, 11, and 17 have been amended to include the recitation of:

- “corresponding to a particular vehicle,” in lines 3, 3-4, 3, respectively; and
- in response to the emergency event “involving the particular vehicle,” in lines 13, 11-12, 13-14, respectively.

As per these new limitations, Reiser and Tagawa teach a system and method as analyzed and discussed in the previous Office Action (paper number 20090807).

Reiser and Tagawa fail to disclose a system and method further comprising storing an encryption code in a key device corresponding to a particular vehicle; and transmitting ... [...] ...in response to the emergency event involving the particular vehicle.

However, the above features are well-known in the art, as evidenced by Schofield.

In particular, Schofield teaches a system and method further comprising storing an encryption code in a key device corresponding to a particular vehicle (Schofield; paragraph [0315]); Examiner interprets Schofield's teachings of "[s]ince each phone has a unique identifier [reads on "an encryption code"], GPS can identify a phone and, further, identify the location of that phone ... [...] ... to notify ... [...] ... an occupant of the vehicle is in need for emergency assistance ... [...] ... tracing of the phone may be incorporated into or used in conjunction with a vehicle navigation system" to teach a form of "an encryption code in a key device corresponding to a particular vehicle" and

transmitting ... [...] ... "after an accident" (reads on "in response to the emergency event involving the particular vehicle") (Schofield; paragraphs [0315]-[0317]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined teachings of Reiser and Tagawa to include these limitations, as taught by Schofield, with the motivations of providing rapid delivery of medical services to a vehicle involved in an accident or emergency event (Schofield; paragraphs [0315]-[0317]).

The remainder of the amendments to claims 1, 11, and 17 appear to have been made merely to correct minor typographical or grammatical errors. While these changes render the language of the claims smoother and more consistent, they otherwise affect neither the scope and breadth of the claims as originally presented nor the manner in which the claims were interpreted by the Examiner when applying prior art within the previous Office Action.

As such, the recited claimed features are rejected for the same reasons given in the prior Office Action (paper number 20090807, section 4, pages 2-7), and incorporated herein.

The motivations for combining the respective teachings of Reiser and Tagawa are as given in the rejection of claim 11 in the prior Office Action (paper number 20090807), and incorporated herein.

(B) Claims 2-3, 9, 13, 20, 22 have not been amended and are rejected for the same reasons given in the previous Office Action (paper number 20090807, section 4, pages 2-7), and incorporated herein.

4. Claims 16, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rieser et al., (2001/0034223), Tagawa et al. (5949152), and Schofield et al. (2002/0003571), as applied to claim 11 above, and further in view of McCalmont et al. (2003/0109245) for substantially the same reasons given in the previous Office Action (paper number 20090807). Further reasons appear hereinbelow.

(A) Claims 16, 19 have not been amended and are rejected for the same reasons given in the previous Office Action (paper number 20090807, section 5, pages 7-8), and incorporated herein.

5. Claims 7, 10, 18, 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rieser et al., (2001/0034223), Tagawa et al. (5949152), and Schofield et al. (2002/0003571), as applied to claims 1, 11 and 17 above, and further in view of Treyz et al., (6526335) for substantially the same reasons given in the previous Office Action (paper number 20090807). Further reasons appear hereinbelow.

(A) As per the amendments to claims 7 and 23, these appear to have been made merely to correct minor typographical or grammatical errors. While these changes render the language of the claims smoother and more consistent, they otherwise affect neither the scope and breadth of the claims as originally presented nor the manner in which the claims were interpreted by the Examiner when applying prior art within the previous Office Action.

As such, the recited claimed features are rejected for the same reasons given in the prior Office Action (paper number 20090807, section 6, pages 8-11), and incorporated herein.

(B) Claims 10, 18, and 21 have not been amended and are rejected for the same reasons given in the previous Office Action (paper number 20090807, section 6, pages 8-11), and incorporated herein.

Response to Arguments

6. Applicant's arguments filed 16 November 2009 have been fully considered but they are moot in view of the new ground(s) of rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Natalie A. Pass whose telephone number is (571) 272-6774. The examiner can normally be reached on Monday through Thursday from 9:00 AM to 6:30 PM. The examiner can also be reached on alternate Fridays.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry O'Connor can be reached on (571) 272-6787. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or (571) 272-1000.

/N. A. P./
Examiner, Art Unit 3686
February 15, 2010

/Gerald J. O'Connor/
Supervisory Patent Examiner
Group Art Unit 3686